

CITY COUNCIL AGENDA

APRIL 16, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Member Diquisto (excused)
- **Invocation (District 4)**
Muhammed Chauhdhry and Wasim Malik, President of the San José Chapter of the Ahmadiyya Muslim community, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with one addition: Item 2.3 Deferred to 04/23/02.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation declaring April 16, 2002, as Equal Pay Day in the City of San José. (Chavez)
 (Rules Committee referral 4/10/02)
Council Member Chavez joined Mayor Gonzales at the Podium and introduced Sharon Pardun-Vice President, MEF, and Linda Dittes-Business Agent, AFSCME. Mayor Gonzales presented the proclamation to the members of the Coalition for Equal Pay in Santa Clara County, who invited everyone to attend the *April 16th Unhappy Hour* at Eulipia Restaurant & Bar on First Street in San José, and the Coalition’s Wage Gap seminar, scheduled for 8:00 p.m. at the African American Community Service Center on 6th & Julian Streets in San José, featuring Dr. Marie Mesmer.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring the week of April 22, 2002 as Earth Week 2002, April 20, 2002 as Pick Up San José Day, and April 25, 2002, as Clean Your Files Day. (Environmental Services)

(Rules Committee referral 4/10/02)

Joining Mayor Gonzales at the Podium were Director of Environmental Services Carl W. Mosher, and Director of General Services José Obregon, who, on behalf of the Departments of Transportation, and Conventions, Arts and Entertainment, and Parks, Recreation and Neighborhood Services, accepted the proclamation and encouraged everyone to participate in the various Earth Day Celebration activities, including Pack Rat Day on April 25, 2002 for all City employees.

- 1.3 Presentation of a commendation to the Caroline Davis Intermediate School's Future City Competition Team for their placement in the 2002 National Engineers Week Future City Competition. (Williams)

(Rules Committee referral 4/10/02)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium, Council Member Williams introduced the Caroline Davis Intermediate School Future City Competition Team, comprised of Consulting Engineers Kiran Mehta and Greg Pham, Teacher Tom Beninger, and students William Ferguson, Nathan Miller, Quan Nguyen, and Nghi Vu. Mayor Gonzales presented a commendation to each Team member, with congratulations for their outstanding achievements in winning *First Place* in the *Student Choice Award Peer Competition* category, and *Second Place* in the overall Competition. The Competition Team exhibited their Future City Model – Solaris – and demonstrated its effectiveness to support a population of one million people.

- 1.4 Presentation of a commendation to Mr. Robert Kieve, a pioneer of social issues, for giving opportunities to women when it was unpopular. (Dando)
Orders of the Day

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium, Council Member Dando welcomed Bob Kieve and acknowledged many of the extraordinary contributions made during Bob's long and productive career. On behalf of Council Member Diquisto and the members of the City Council, Council Member Dando expressed appreciation for the honoree's commitment to public service, freedom of expression, civic engagement, and his enriched community discourse for the benefit of the people and community of San José; and Mayor Gonzales presented the commendation to Mr. Kieve, a pioneer of social issues.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26597 – Amends Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code to increase the maximum allowed height of an attached sign in Commercial and Industrial Zoning Districts and Neighborhood Business Districts to no higher than the finished floor elevation of the fourth floor of a building, establish a size allowance for these signs and prohibit signage for third-story occupancies in the Commercial Office (CO Zoning District, and to allow skyline signs on buildings located in the Innovation Triangle.

Ordinance No. 26597 adopted.

- (b) ORD. NO. 26598 – Amends Chapter 23.04 of Title 23 of the San José Municipal Code to add a new Part 2.5 to establish signage regulations for Urban Mixed-use Development Areas Sign Zones.

Ordinance No. 26598 adopted.

- (c) ORD. NO. 26599 - Rezones certain real property situated on the north side of Hillsdale Avenue, approximately 1,000 feet westerly of Vistapark Drive (508) Hillsdale Avenue). PDC 01-02-017

Ordinance No. 26599 adopted.

- (d) ORD. NO. 26600 - Rezones certain real property situated on the northeast corner of East Santa Clara and North Fifth Streets. PDC 01-03-046

Ordinance No. 26600 adopted.

- (e) ORD. NO. 26601 - Rezones certain real property situated at the west side of North First Street, between Sonora Avenue and Skyport Drive. PDC 02-017

Ordinance No. 26601 adopted.

- (f) ORD. NO. 26602 – Rezones certain real property situated at the northerly terminus of East Court and West Court. PDCSH 01-10-097

Ordinance No. 26602 adopted.

2.3 Approval of actions related to improvements in the public right of way on Elden Drive.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$298,000 to install improvements in the public right of way on Elden Drive. (City Manager's Office)

Deferred to 04/23/02.

2 CONSENT CALENDAR

2.4 Approval to submit a funding request to the California Department of Conservation, Division of Recycling.

Recommendation: Adoption of a resolution authorizing the Director of the Environmental Services Department to submit a funding request to the California Department of Conservation, Division of Recycling, in the amount of \$260,655 for the State's 2001/2002 funding cycle, and \$260,655 for its 2002/2003 funding cycle, to execute all documents related to the application, and to accept the funds on behalf of the City of San José, with a total payment to the City in the amount of \$521,310. (Environmental Services)

Resolution No. 70919 adopted.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #28, and authorization for the Director of General Services to execute the purchase orders.

Approved.

- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #29, and authorization for the Director of General Services to execute the purchase orders.

(General Services)

Approved.

2.5 Report on Request for Quotation and approval of award for the Water Pollution Control Plant.

Recommendation: Report on Request for Quotation for coating and rehabilitation of clarifier tanks and approval of award to the low bidder, Nunez Painting Inc., San José, CA for the total cost of \$178,592, including tax and freight, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.6 Approval of a sole source purchase of an ABB Variable Frequency Drive for the Water Pollution Control Plant.

Recommendation: Approval of award for a sole source purchase of an ABB Variable Frequency Drive to ABB Automation, Inc., New Berlin, WI, for the total cost of \$224,230, including tax and freight, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2 CONSENT CALENDAR

2.7 Approval of a sole source purchase for furniture at the Airport.

Recommendation: Approval of award for a sole source purchase of 71 seating bases, 263 upholstered seats, and 45 tables, for the Norman Y. Mineta San Jose International Airport, to PHC Industries, Inc., Chalfont, PA, for a total cost of \$120,811.31, including tax and delivery, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.8 Approval of a Parking Lot License Agreement with the County of Santa Clara.

Recommendation: Approval of a Parking Lot License Agreement with the County of Santa Clara for the use of 150 parking spaces in their parking facility located at 171 W. Hedding Street, retroactive to March 1, 2001, for a license fee of \$4,500 per month throughout the entire three-year term of the agreement. (Public Works)

Approved.

2.9 Acceptance of the San José Arena Authority 2000-2001 Report.

Recommendation: Acceptance of the San José Arena Authority 2000-2001 Report. (San José Arena Authority)

Council unanimously accepted the report as recommended with Arena Authority Staff commended for their outstanding job.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – April 3, 2002

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting

(b) City Council

(1) Review April 16, 2002 Draft Agenda

The Committee approved the April 16, 2002 City Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 3, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (b) City Council
 - (2) Add New Items to April 9, 2002 Amended Agenda
The Committee recommended the two additions to the April 9, 2002 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
None Presented.
 - (b) Economic Development and Environment Committee
None Presented.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
The Committee recommended approval to hold a Special Meeting of Education, Neighborhoods, Youth and Seniors Committee on April 25, 2002 to discuss Education Policy.
- (d) Meeting Schedules
None Presented.
- (e) The Public Record
The Committee noted and filed the Public Record for the period March 6-26, 2002.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (h) Administrative Reviews and Approval
None Presented.
- (i) Oral Communications
Pete Campbell spoke about two issues: (1) How to get his letter, brought to Rules Committee March 20, 2002, placed on the Public Record; and (2) His contention that the language of commission resolutions or motions should not be altered when placed for consideration on a Council Agenda.

This item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 3, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(i) Oral Communications

Regarding the process for the Public Record, City Attorney Rick Doyle explained that letters addressed to the Mayor and Council are sent to the Administration which determines whether the issue should be placed on an Agenda. The letters are also placed on the Public Record for Rules Committee review.

Regarding Mr. Campbell's issue of agenda language, in particular renaming the San José International Airport, Mr. Doyle stated that when this item went to Council, while the agenda language was not verbatim from the Airport commission recommendation, it was in full compliance with Brown Act regulations. He said the staff report that went to Council was very clear as to what the Commission had recommended and that staff reports are available to the public. Member Dando expressed concern that Rules Committee pay closer attention to wording agenda items that are of greater concern to the community.

Mr. Doyle told the Committee that when Mr. Campbell's letter is placed on the Public Record, the Administration will report its recommendation to Rules Committee, and at that time, it would be appropriate to discuss the wording of agenda items.

(j) Adjournment

The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and Actions of April 3, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No Report.

3.4 Approval of agreements to provide additional case management and training services to laid-off workers.

Recommendation:

- (a) Approval of a first amendment to the agreement between the City of San José and the Institute For Business Performance - San Jose Evergreen Community College District to provide additional case management and training services to laid-off workers, increasing compensation by \$1,977,853, from \$968,434 to \$2,946,287. (Economic Development)**

Approved.

This item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of agreements to provide additional case management and training services to laid-off workers – (Cont'd.)

Recommendation:

- (b) Approval of a first amendment to the agreement between the City of San José and the Occupational Training Institute - Foothill De Anza Community College District to provide additional case management and training services to laid-off workers, increasing compensation by \$600,334, from \$676,224 to \$1,276,558. (Economic Development)

[Deferred from 4/9/02 –Items 3.5(c), (d)]

Approved.

3.5 Adoption of a resolution banning the use of clopyralid by City departments and City-owned properties.

Recommendation: Adoption of a resolution

- (a) Banning the use of clopyralid by City departments and City-owned properties; and
- (b) Directing the Mayor and City Council to communicate with state and federal agencies and the State Legislature about the need to ban the use of clopyralid.

(LeZotte)

(Rules Committee referral 4/10/02)

Resolution No. 70920 adopted.

Council (1) approved the recommendation to ban the use of clopyralid by City departments and City-owned properties; (2) directed the Mayor and City Council to communicate with State and Federal agencies and the State Legislature about the need to ban the use of clopyralid; and (3) directed Staff to report to the Economic Development and Environment Committee in August 2002 (a) the status of pending legislation; (b) confirmation that communications have been exchanged between affected agencies; (c) the scope of use of clopyralid by City Departments; and (d) alternative herbicides/pesticides to be used by the City and analysis for each, the application rate, frequency, and the most cost-effective to use.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of fiscal actions related to the Teacher Loan Program.

Recommendation: Adoption of the following appropriation ordinance amendments in the Low and Moderate Income Housing Fund:

- (a) Increase the Teacher Loan Program appropriation by \$1,000,000.
- (b) Decrease the Housing Loans, Grants, and Site Acquisitions appropriation by \$1,000,000.

(Housing/City Manager's Office)

Ordinance No. 26603 adopted.

4.3 Approval of the Hoffman/Via Monte Strong Neighborhoods Initiative Implementation Plan.

Recommendation: Approval of the Hoffman/Via Monte Strong Neighborhoods Initiative Implementation Plan as the shared vision for revitalization of the area. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 10. SNI: Hoffman/Via Monte. (Parks, Recreation and Neighborhood Services)

This Item Heard in the Evening.

Council (a) approved the *Hoffman/Via Monte Strong Neighborhoods Initiative Implementation Plan* as the City/community vision for the future of the Hoffman/Via Monte community; (b) authorized the Administration to direct the City Departments and Agencies with implementation responsibilities to begin their respective activities, including the general oversight of the implementation of the *Plan* by the Department of Parks, Recreation and Neighborhood Services; and (c) encouraged the Hoffman/Via Monte property owners, residents and community members to dedicate their time, energy and resources to implement the recommendations of the *Plan* and continue their community building activities.

4.4 Approval of the Delmas Park Neighborhood Improvement Plan.

Recommendation: Approval of the Delmas Park Neighborhood Improvement Plan as the shared vision for revitalization of the area. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 3. SNI: Delmas Park. (Planning, Building and Code Enforcement)

This Item Heard in the Evening.

Council (a) approved the Strong Neighborhoods Initiative *Delmas Park Neighborhoods Initiative Implementation Plan* as a shared City/community vision for the future of the Delmas Park Neighborhood; (b) authorized the Administration to direct the City Departments and Agencies with implementation responsibilities to begin their respective activities, including

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of the Delmas Park Neighborhood Improvement Plan - (Cont'd.)

the general oversight of the implementation of the *Plan* by the Redevelopment Agency; and (c) encouraged the Delmas Park property owners, residents and community members to dedicate their time, energy and resources to implement the recommendations of the *Plan*.

4.5 Approval of a contract for street resurfacing in SNI Areas.

Recommendation:

- (a) Report on bids and award of contract for the 2001-02 Street Resurfacing Project SNI Areas, to the low bidder, O'Grady Paving, Inc., in the amount of \$2,960,850, utilizing RABA funds, and approval of a contingency in the amount of \$150,000. CEQA: Exempt, PP02-01-009.

Approved.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund:

- (a) Establish an appropriation to the Department of Transportation for the Street Maintenance - RABA Project in the amount of \$1,790,000.

- (b) Increase the estimate for Earned Revenue by \$1,790,000.

Council District 2, 3, 5, 6, 7, and 8. SNI: Brookwood/Terrace, Burbank/Delmonte, Atlanta, Great Oaks/Edenvale, Mayfair II, Tully/Senter, Washington/Guadalupe, Whaley, and Winchester. (Public Works/City Manager's Office)

Ordinance No. 26604 adopted.

Resolution No. 70921 adopted.

Council approved the Staff recommendation for Street Resurfacing in SNI areas with two corrections: (1) The reference to affected SNI areas of the City, Council District 10 should be removed from the Council Agenda item; and (2) In the March 25, 2002 staff report for Council Agenda Item 4.5, *Attachment A, Item #8: Change District 10 to District 2*; and (3) Council directed Staff to prepare a map overlay of SNI areas delineating the streets to be repaired.

4.6 Approval of various actions related to the Williams Road Sidewalk Project.

Recommendation:

- (a) Report on bids and award of contract for the Williams Road Sidewalk Project to the low bidder, Wattis Construction Company, Inc. in the amount of \$412,122, and approval of a contingency in the amount of \$80,000.

Approved.

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to the Williams Road Sidewalk Project. – (Cont’d.)

- (b) Adoption of associated appropriation ordinance and funding sources resolution amendments in the Building and Structure Construction Tax Fund and the Construction Excise Tax Fund.

Council District 1. SNI: Winchester. CEQA: Exempt, PP01-03-045.
(Public Works/City Manager’s Office)

Ordinance No. 26605 adopted.

Resolution No. 70922 adopted.

4.7 Public Hearing and approval of various actions related to the Hacienda Villa Creek Senior Apartments.

Recommendation:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of up to \$8,000,000 in tax-exempt multifamily housing revenue bonds for the Hacienda Villa Creek Senior Apartments (“Project”) consisting of up to 80 units, affordable to very-low income senior households, on a 2.02 acre site located at the northerly termini of East Court and West Court, north of East Julian Street.

TEFRA Hearing Held

No Public Testimony Presented.

- (b) Adoption of resolutions:

- (1) Approving a funding commitment for a construction and permanent loan of up to \$6,466,611 during the construction phase, and up to \$5,430,773 during the permanent phase, to Roem Development Corporation, or an affiliated entity (“Developer”), for the development of the Hacienda Villa Creek Apartments affordable to very-low income senior households on a 2.02 acre site located at the northerly termini of East Court and West Court, north of East Julian Street.

Resolution No. 70923 adopted.

- (2)
 - (a) Expressing its intent to issue up to \$8,000,000 in tax-exempt multifamily housing revenue bonds to finance the construction of the development.
 - (b) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$8,000,000 in private activity bonds for the Project.
 - (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Roem Development Corporation, or an affiliated entity, for the CDLAC application for the Hacienda Villa Creek Apartments Development.

Council District 3. SNI: Five Wounds/Brookwood Terrace. (Housing/Finance)
(Continued from 4/2/02 – Item 4.5 and 4/9/02 – Item 4.3)

Resolution No. 70924 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.8 Approval of various actions related to the Evans Lane Project.

Recommendation: Adoption of a resolution

- (a) Expressing intent to issue up to \$31,000,000 in multifamily tax-exempt revenue bonds to finance the construction of the 240-unit Evans Lane family rental housing project located at 1848 Evans Lane; and
- (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$31,000,000 in private activity bonds; and
- (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Evans Lane Apartments, L. P., or an affiliated entity, for the CDLAC Application for the Evans Lane Family Apartments Development.

Council District 6. (Housing/Finance)

(Rules Committee referral 4/10/02)

Resolution No. 70925 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Approval of an agreement for the Camden Community Center Project - Phase 1.

Recommendation: Approval of the first amendment to the agreement with the Steinberg Group for architecture consultant services for the Camden Community Center Project - Phase 1, increasing the compensation by \$892,000, from \$98,000 to \$990,000, and extending the term of the agreement from December 31, 2002 to August 31, 2005.

Council District 9. SNI: Union & Curtner. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

This item Heard in the Evening.

6.1 Approval to establish permit parking zones and parking fees.

Recommendation:

- (a) Approval of an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish permit parking zones in the Horace Mann Neighborhood area and the South University Neighborhood area.

Ordinance No. 26610 passed for publication.

Disqualified: Chavez, Shirakawa, Jr., due to conflicts of interest.

- (b) Adoption of a resolution amending the Schedule of Fees and Charges to establish permit parking fees for the issuance of parking permits in the Horace Mann and the South University Neighborhood areas.

CEQA: Exempt, PP 02-02-030. Council District 3. SNI: 13th Street, University.
(Transportation)

Resolution No. 70926 adopted.

Disqualified: Chavez and Shirakawa, Jr., due to conflicts of interest.

Council approved the permit parking zones and fees with direction to the Administration to provide during the Budget Process cost implications to implement the Plan, the impact on current traffic unit resources and on other areas where parking restrictions enforced.

Disqualified: Council Member Chavez, because the family is a resident in the project area. Vice Mayor Shirakawa, Jr., because the family owns property in the project area.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Authorization to submit updated Noise Exposure Maps to the FAA.

Recommendation: Adoption of a resolution authorizing the City Manager to submit the updated Noise Exposure Map to the FAA for its approval pursuant to Federal Aviation Regulations Part 150 to enable the City to remain eligible for future federal funding for noise mitigation in connection with the ongoing ACT Program. CEQA: Exempt.
(Airport)

(Deferred from 3/26/02 – Item 8.1)

This item Heard in the Evening.

Resolution No. 70927 adopted.

Council approved the staff recommendation to accept the proposed new Airport Noise Exposure Maps for submittal to the Federal Aviation administration and associated proposed changes to the Airport Acoustical Treatment Program with the additional direction contained in the April 16, 2002 memorandum from Council Members Chavez and Yeager. In addition, Planning Staff was directed to return to Council with a report on the implications of providing acoustical treatment or noise mitigation measures in residences in a 65 or lower noise contour area.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

**REDEVELOPMENT AGENCY BOARD CONVENED AT 2:40 P.M. TO
CONSIDER ITEM 10.1 IN A JOINT SESSION**

10.1 Approval of various actions related to aboveground cabinets.

Recommendation:

- (a) Approval of design standards for the installation of new City of San José traffic signal cabinets citywide.

Approved.

- (b) Authorization for staff to implement a Pilot Program, not to exceed \$500,000 with the Redevelopment Agency to incorporate new standards to retrofit existing cabinets into project's scope.

Approved.

This item continued on the next page.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of various actions related to aboveground cabinets. – (Cont'd.)

- (c) Authorization for staff to return to Council in April of 2003 with a status report to refine the standards and establish cost estimates for future applications by all agencies citywide.

CEQA: Exempt, PP02-03-050. (Public Works)

Approved.

Council approved the various actions related to aboveground cabinets with the modification to Item #3 of the April 11, 2002 Staff memorandum, which is to direct Staff to return to Council within six months with a status report on the cost and effectiveness of the Pilot Program, as well as a refinement of the standards and cost estimates for future applications by all agencies Citywide; and with the following directives to Staff: (1) Return to Council within three months with progress on the meetings between City Staff and VTA regarding the new design standards and the installation of utility cabinets in right-of-ways; (2) Incorporate into the Pedestrian Study a collaborative process that would identify opportunities to enhance the visual impacts of the cabinets while improving pedestrian walkability. (3) Identify project costs of the new design standards on an annual basis when one or more traffic signal project is sacrificed, and the benefits derived from such forfeiture. (4) If cost prohibitive to locate cabinets against buildings, identify funding sources available to the City that would allow the utility cabinets to be concealed to enhance the appearance of standalone cabinets. (5) Return to Council in six months with a report on new technology and parameters to proceed. (6) Follow up on the request for guidelines to underground back-flow devices.

10.2 Direction to staff regarding gateway signs and street numbers.

Recommendation: Direction to City and Agency staff regarding changes in existing policies on gateway signs and street numbers citywide.

(City Attorney's Office/Planning, Building, and Code Enforcement)

(Rules Committee referral 4/10/02)

Council accepted the report from City and Agency Staff stating

- (1) no changes required to the San José Municipal Code in order to accommodate a change in Council Policy regarding Gateway Signs,**
- (2) that street numbers are required by the San José Municipal Code to be visible from the street on all primary buildings; (3) that Agency Staff will explore required code changes for installation of parking garage directional map design on private parking facilities and report back within 90 days.**

**REDEVELOPMENT AGENCY BOARD OF THE CITY OF SAN JOSÉ
ADJOURNED AT 3:40 P.M.**

- **Closed Session Report**
- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- **Open Forum**
 - (1) **Alfredo D. Garza, representing Plata Arroyo/Tropicana Coalition, spoke on the proposed projects for the Shopping Center, and asked Council to respond to the Organization's request as a Council Agenda item.**
 - (2) **Ross Signorino referenced the March 26, 2002 Redevelopment Agency Board Agenda and the justification for the appropriation of City funds to businesses that are successful.**
- **Following Open Forum, Council recessed at 3:42 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.**

11 PUBLIC HEARINGS

11.1 Public Hearing on planned development rezoning at the southeast corner of Bascom Avenue and Camden Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Bascom Avenue and Camden Avenue, from CP Commercial Pedestrian District to A(PD) Planned Development Zoning District, to allow the addition of a car wash facility to an existing gas station on 0.519 gross acre (Chevron Products Co., Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC 01-03-036 - District 9

(Continued from 2/5/02 – Item 11.5 and 2/19/02 – Item 11.4)

Continued to 05/07/02.

11.2 Public Hearing on conforming rezoning at East Taylor Street and 23rd Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located north of East Taylor Street on the southeast side of 23rd Street, from R-1-8 Residence Zoning District to R-M Residence Zoning District, to allow multi-family residential uses on 0.69 gross acres. (John Licking, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 02-01-006 - District 3

(Continued from 3/19/02 – Item 11.10)

Continued to 05/21/02.

11.3 Public Hearing on Director-initiated prezoning on Dove Hill Road.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED PREZONING of certain properties located along Dove Hill Road easterly of Highway 101, approximately 2000 feet northerly of Hellyer Avenue, from County to A-Agricultural Zoning District, to allow agricultural uses on 39.62 gross acres. (Director of Planning initiated). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C 02-02-019 - District 8

Ordinance No. 26606 passed for publication.

11.4 Public Hearing on conforming prezoning at Fleming Avenue and Palamino Drive.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the southwest corner of Fleming Avenue and Palamino Drive, from County to R-1-8 Residential Zoning District, to allow residential uses on 0.58 gross acres. (Randy Cedano, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C 01-02-024 - District 5

Ordinance No. 26607 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on conforming rezoning at Cunningham Avenue and Cunningham Court.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the northwest corner of Cunningham Avenue and Cunningham Court, from A-Agricultural Zoning District to R-1-8 Residential Zoning District, to allow residential uses on 1.44 gross acres. (Bao & Jordan K. Pham, Owner/Developer).

CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C 01-03-044 - District 8

Ordinance No. 26608 passed for publication.

11.6 Public Hearing on conforming planned development rezoning at Highway 101 and Hellyer Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located on the easterly side of Highway 101, approximately 1,000 feet northerly of Hellyer Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to reconfigure a previously approved 550 unit residential subdivision and an 18-hole public golf course to avoid the relocation of public utilities facilities on a 579.4 gross acre site. (Cerro Plata Associates, LLC, Owner, William Lyon Homes, Developer). CEQA: Resolution No. 64913.

PDC 02-01-011 - District 8

Continued to 05/07/02.

11.7 Public Hearing on conforming planned development rezoning at Aborn Road and Altamara Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Aborn Road and Altamara Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow re-approval of a 65 unit single-family detached residential project on a 15.1 gross acre site. This proposal would allow a reduction in the rear setback requirement from 25 feet to 20 feet for future residential structures. (Alliance Title Company, Owner; Shapell Industries, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

PDC 02-01-013 - District 8

Ordinance No. 26609 passed for publication.

- **Open Forum**
 - (1) **Ardith Meyer and Steve Cohen addressed Council in favor of the 3rd Street Shelter proposal.**
 - (2) **Elza Theodule spoke on various societal issues.**
- **Adjournment**
 - The Council of the City of San José adjourned at 10:00 p.m.**